



CRL OP(MD). No.10982 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01.07.2025

PRESENT

The HONOURABLE MR.JUSTICE P.VADAMALAI

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Jeyaprakash,
S/o.Thanga Olivu

...Petitioner/ Accused No.2

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Kumbakonam East Police Station,
Thanjavur District.
(Crime No.321 of 2023)

... Respondent / Complainant

For Petitioner : Mr.S.Sankar,
Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate
(Criminal Side)

PETITION FOR BAIL Under Sec.483 of BNSS, 2023.

PRAYER :- For Bail in Crime No.321 of 2023 on the file of the respondent police.

<https://www.mhc.mg.gov.in/judis>



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ORDER : The Court made the following order :-

The petitioner / accused, who was arrested and remanded to judicial custody on 02.05.2025 for the offences under Sections 328 of IPC read with Section 24(1) of the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003, in Crime No.321 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 16.06.2023, Accused No.1 is alleged to have transported banned tobacco products in a two-wheeler bearing Registration No.TN-68-AC-6417, for the purpose of sale. During the course of investigation, Accused No.1 is said to have confessed that he had purchased the said tobacco products from the petitioner. Hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that a false case has been foisted against the petitioner. He would further submit that the petitioner has been implicated in the



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case only based on the confession statement given by Accused No.1. He would further submit that the petitioner is in custody from 02.05.2025. Hence, he seeks bail.

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4. The learned Government Advocate (Criminal Side) would submit that there are totally twenty two accused persons in this case and the petitioner has been arrayed as A2. He would further submit that investigation has been completed and the charge sheet has been filed through e-filing mode. He would further submit that there are two previous cases pending against the petitioner involving similar offences. Therefore, he opposes the grant of bail to the petitioner.

5. This Court has heard the learned counsel on both sides and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the nature of the offence allegedly committed by the petitioner and also taking into consideration the period of incarceration and also taking note of the stage of the case, this court is inclined to grant bail to the petitioner, however, subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail on his executing



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a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of learned Judicial Magistrate No.I, Kumbakonam, and on further conditions that:-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate No.I, Kumbakonam. If the petitioner changes his residential address, he shall report the same to the learned Judicial Magistrate No.I, Kumbakonam.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

[d] the petitioner shall not abscond either during investigation or trial.



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investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS, 2023.

8. In the result, this Criminal Original Petition is allowed subject to the conditions stated supra.

sd/-
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01/07/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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1. THE JUDICIAL MAGISTRATE NO.I,
KUMBAKONAM.
2. DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT @ KUMBAKONAM.
3. THE OFFICER-IN-CHARGE,
SUB-JAIL,
KUMBAKONAM.
4. THE INSPECTOR OF POLICE,
KUMBAKONAM EAST POLICE STATION,
THANJAVUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN

CRL OP(MD) No.10982 of 2025

Date :01/07/2025

HPS/01.07.2025 /6P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023